Remarks

Applicant respectfully incorporates by reference its prior remarks concerning when it is, and when it is not, proper to combine references for the purposes of making a rejection under 35 USC section 103.

Applicant notes with appreciation withdrawal of the section 103 rejection made under a combination of the Talens et al. and Bowland et al. in view of Pruette et al. Applicant also notes the withdrawal of section 103 rejection over Bowland et al. in view of Brake et al.

In view of the amendments to the claims submitted herewith [only Claims 20-23, 25, and 28-31 remain under consideration, with the subject matter of former dependent Claim 27 merged into the text of independent Claim 20], Applicant respectfully traverses the new rejection under section 103 made over Bowland et al. and Fulton et al. (*Vaccine*, 15 September 2000, v. 19 No 2-3, pages 264-274) in view of Brake et al.

As previously explained, Bowland et al. does not teach or suggest a vaccine comprising BVDV types 1 and 2. Thus, Bowland et al. does not teach or suggest Applicant's invention. Brake et al. only describes a parasite vaccine while Applicant's invention comprises viral and bacterial vaccines. Brake et al. further describes a homogenate vaccine, while Applicant's invention comprises whole virus or whole bacteria vaccines. Bacteria, viruses and parasites do not stimulate the immune system in the same way in that a virus is internalized by immune cells and evokes a T-cell (cell mediated) immune response, while a parasite remains extracellular and evokes a B-cell (antibody) response, and certainly a whole organism is seen differently by the immune system differently than a homogenized parasite. Thus, while Brake et al. demonstrates that an adjuvant works for a homogenate parasite vaccine, the reference simply does not demonstrate that the adjuvant works in a whole cell viral vaccine, especially where response to whole organism bacteria is also intended.

In regard of Fulton et al., the mere fact that the reference discloses a vaccine composition comprising BVDV types 1 and 2 does not render obvious the present invention which is directed to the *simultaneous* provision of numerous immunogenic components from multiple organisms. In particular, the vaccines of the present invention are designed to provide a wide range of protections to pregnant animals, lactating animals and breeding age

animals, and in particular (see pages 14-15 of the specification) causes protection of bovine fetuses against fetal infections and persistent fetal infections. It is respectfully submitted that the combination of all of these protective features, which provide protection of fetus-cow-calf substantially improves the economy of vaccinations and limits the extent to which viral and bacterial disorders persist in animals.

The Examiner has correctly noted text defects in the forms submitted previously to correct inventorship. Applicant will submit proper papers in due course.

Conclusion

A Petition for Extension of Time (3 months) is attached in duplicate. Since the number of claims, after amendment, is less that that previously presented, no claim fees are due at this time. The Patent Office is, however, authorized to charge any additional fee or fee amount that it deems necessary, or credit any over payment to Applicant's Deposit Account 16-1445. An early and favorable action is respectfully requested.

Respectfully submitted,

Date: 10/17/08

E. Victor Donahue, Ph.D.
Attorney for Applicant(s)
Reg. No. 35,492

Pfizer, Inc
Patent Department, 5th Floor
150 East 42nd Street
New York, NY 10017-5755
(212) 733-2739